

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MINNESOTA**

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|---|---|------------------------------|
| SMARTMATIC USA CORP., SMARTMATIC |) | |
| INTERNATIONAL HOLDING B.V. and |) | |
| SGO CORPORATION LIMITED, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Case No. 22-cv-00098-JMB-JFD |
| v. |) | |
| |) | |
| MICHAEL J. LINDELL and MY PILLOW, INC., |) | |
| |) | |
| Defendants. |) | |

**DEFENDANTS' MOTION TO EXCLUDE
THE EXPERT TESTIMONY OF DOUG BANIA**

Defendants respectfully move this Court, under Federal Rule of Evidence 702 and the Daubert standard, to exclude the expert report and testimony of Doug Bania. Bania's expert report and rebuttal submitted by Plaintiffs are not helpful under Fed. R. Evid. 702(a), and fails to meet the required standards of expert testimony under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). Specifically, Defendants challenge Bania's testimony on the grounds that he lacks the requisite education and expertise, he utilizes unsound methodology to arrive at his conclusion, and his opinion is not helpful to the core issues of this litigation because it lacks relevance in this case.

Dated: November 12, 2024

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MICHAEL LINDELL

**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I certify that on November 13, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States District Court of Minnesota by using the CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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